THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20110 OF 2006

26.09.2006

Between:

Smt.Dasari Kusuma, W/o.Venkata Krishna

… Petitioner

AND

The Principal Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20110 OF 2006

ORDER:

The petitioner purchased land admeasuring 500 Sq.yards (plot No.67) comprised in survey No.11/31 (part) situated at Khanamet Village of Serilingampally Mandal in Rangareddy District from Sakamuri Chowdary under registered sale deed dated 20.1.1998. It is her case that her vendor purchased the property under registered sale deed dated 13.3.1997 from D.Malla Reddy, who in turn purchased the property from Gurukul Ghatkesar Trust, the fourth respondent herein. This writ petition is filed alleging that the petitioner is in possession, the second respondent purporting to take action pursuant to the proceedings taken under the Urban Land (Ceiling and Regulation) Act, 1976 (ULC Act, for brevity) including the notification dated 16.1.2006 issued under Section 10(3) of ULC Act, is trying to dispossess the petitioner without due process of law.

The learned counsel for the petitioner placed strong reliance on the decision of a Division Bench of this Court in **Secy. to Govt., Revenue (Endowments) Dept. v. S.S.A.C.H.S. Ltd.**[1]. The learned Assistant Government Pleader for Revenue (General), however, opposed the writ petition. He submits that the Division Bench judgment cannot be applied to the present case as in the earlier case the question whether it was competent for the Gurukul Ghatkesar Trust to alienate trust property without prior permission from the Government under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity) arose. In this case, according to the learned Assistant Government Pleader, the petitioner purchased the property in contravention of the ULC Act and the sale being void, the petitioner has no *locus standi* to file the present writ petition. He submits that though Section 19 of the ULC Act exempts the land belonging to a trust from the provisions of the Act, the moment the land is alienated by the trust, such benefit is not available. The learned Assistant Government Pleader, however, does not dispute that the application made by the petitioner and similarly situated persons

are still pending with the Government and the Government can as well consider these questions while either accepting or rejecting the request for regularization.

The petitioner purchased the land in survey No.13 from the Trust. When the Department of Endowments initiated action for eviction of the occupants on the ground that the sale in their favour was void, some of the persons filed writ petitions and they were dismissed. However, in appeal, a Division Bench of this Court in **Secy. To Govt., Revenue (Endowments) Dept. v. S.S.A.C.H.S. Ltd.** (supra), directed the Commissioner of Endowments to consider the applications of the petitioners for regularization. The Division Bench also observed as under.

> The writ petitioners, if they are so interested, may file appropriate applications before the Competent Authorities within eight weeks from today and in such an event the same shall be disposed of within four months from the date of filing of the same.
>
> During the pendency of consideration of the request, if any, to be made by the petitioners, by the Competent Authorities, the writ petitioners shall not make any construction of whatsoever nature and shall maintain *status quo* existing as on today in all respects. They shall not alienate or encumber the lands in their possession or any portion thereof in any manner whatsoever.

In view of the above observations, the official respondents are precluded from taking any adverse action against the petitioner. This is not denied. Further this Court has already disposed of similar writ petitions, being W.P.No.11819 of 2006 by order dated 15-06-2006 and W.P.No.13114 of 2006 by order dated 29-06-2006.

The writ petition, with the above observations and following the decision of the Division Bench referred to hereinabove, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

September 26, 2006
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[1] 2003(6) ALD 225(DB)